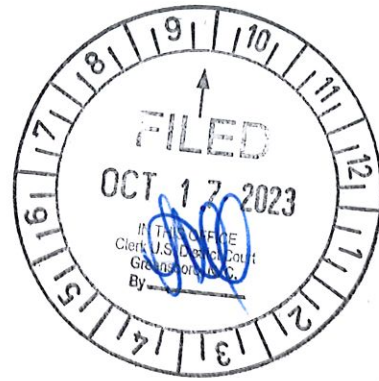


IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



ALLIANCE OPHTHALMOLOGY, )  
PLLC; DALLAS RETINA CENTER, )  
PLLC; TEXAS EYE AND )  
CATARACT, PLLC; and HOFACRE )  
OPTOMETRIC CORPORATION, on )  
behalf of themselves and all others )  
similarly situated, )

Plaintiffs, )

v. )

1:22-CV-296

ECL GROUP, LLC; ECL HOLDINGS, )  
LLC; EYE CARE LEADERS )  
HOLDINGS, LLC; EYE CARE )  
LEADERS PORTFOLIO HOLDINGS, )  
LLC; INTEGRITY EMR, LLC; )  
INTEGRITY EMR HOLDINGS, LLC; )  
ALTA BILLING, LLC; and ALTA )  
BILLING HOLDINGS, LLC, )

Defendants. )

KIMBERLY FARLEY, CHAD )  
FORRESTER, and KIMBERLY )  
SANDVIG, on behalf of themselves )  
and others similarly )  
situated, )

Plaintiffs, )

v. )

1:22-CV-468

EYE CARE LEADERS HOLDINGS, )  
LLC, )

Defendant. )

**ORDER**

In August, the Court granted the parties' joint motion for preliminary certification of the settlement classes and preliminary approval of the settlement agreement. Doc. 71. The Court reviewed the parties' initial joint motion to approve a proposed notice plan, Doc. 72, and asked for additional information and revisions. Doc. 73. The parties have now submitted a revised notice plan, which includes six notice documents, for approval. Doc. 74, Doc. 74-1; Doc. 74-2; Doc. 74-3; Doc. 74-4; Doc. 74-5; Doc. 74-6.

The Court has reviewed the revised notice plan and concludes that the parties' proposed long-form, email, and postcard notices as well as the proposed claim forms meet the requirements of the Federal Rule of Civil Procedure 23. They will be approved, with minor modifications.

The parties suggest that a third-party administrator is appropriate to mail the notices, manage the website related to this litigation, and make payments to valid claimants along with other administrative tasks. The Court is satisfied the parties' proposed administrator, Epiq Class Action and Claims Solutions, Inc., is competent to serve as settlement administrator based on its experience in prior federal class action settlements. Doc. 72-1 at ¶¶ 5–7. The defendants have raised no concerns about Epiq's qualifications. The Court will appoint Epiq to serve as settlement administrator for the tasks set forth herein.

It is **ORDERED** that:

1. The parties' proposed notice documents, Doc. 74-1; Doc. 74-2; Doc. 74-3, and Doc. 74-4, are **APPROVED**.

2. The parties' proposed Physician Settlement Class Claim Form, Doc. 74-6, is **APPROVED**.
3. The parties' proposed Patient Settlement Class Claim Form, Doc. 74-5, is **APPROVED** with the following modification:
  - a. The sentence at the bottom of Doc. 74-5, page 1, which reads:

“Your [benefit language] may decrease depending on the number of claims filed” **SHALL** be replaced with: “Your share of the available Patient Settlement Fund will depend on the number of claims filed.”

This change will make the Patient Settlement Claim Form consistent with the Physician Settlement Claim Form. Doc. 74-6.
4. Epiq Class Action and Claims Solutions, Inc. is **APPROVED** and **APPOINTED** as the Settlement Administrator.
5. Before sending the notices, Epiq **SHALL** create and make publicly available a settlement website containing the necessary information for the class members, including the approved long-form notice, and **SHALL** update and maintain the website until this case reaches final resolution. Class counsel **SHALL** provide all Orders, except Text Orders, to Epiq, which **SHALL** make them available on the website.
6. Before sending the notices, Epiq **SHALL** create a toll-free telephone number, where Class Members can obtain necessary information about filing a Claim Form and request that Epiq mail them a copy of Settlement materials.


7. Beginning **November 16, 2023**, Epiq SHALL send the approved email notices, as well as the postcard notices, as appropriate and consistent with the Notice Plan. If notices are undeliverable, Epiq **SHALL** attempt to trace the relevant class members and re-mail the notices.
8. Epiq **SHALL** conduct internet advertising, including on social media, about the Settlement and claims process as described in the Notice Plan.
9. Publication and mailing **SHALL** be completed by **December 16, 2023**.
10. The deadline for objections to be postmarked is **January 15, 2023**.
11. On or before **January 29, 2024**, Epiq **SHALL** provide, and the parties **SHALL** file with the Court a declaration under oath attesting that the Notice Plan was executed pursuant to its provisions and as represented to the Court. The declaration **SHALL** provide an assessment of the number of impressions and reach of the notice, the number of direct notices delivered, and the number of notices returned undelivered.
12. No later than **January 29, 2024**, Epiq **SHALL** provide and the parties **SHALL** file with the Court a declaration under oath summarizing the number of objections, identifying any objectors who asked to appear at the Final Hearing, and attaching all objections, with any personal protected information as defined in Fed.R.Civ.P. 5.2(a) redacted. If an objection contains matter that in the opinion of any party or the Settlement Administrator is scurrilous, impertinent, or scandalous, *see*



*generally* Fed.R.Civ.P. 12(f), the objection **SHALL** be filed under temporary seal; no motion to seal is necessary absent further order, and the Court will review whether maintaining the seal or striking the objection is appropriate.

13. Counsel may depose any objector but for no longer than one hour and no later than **February 8, 2024**. If any depositions are taken, they **SHALL** be filed, with personal protected information redacted, no later than **February 12, 2024**.
14. No later than **January 30, 2024**, Class Counsel and Parties **SHALL** file a petition for any proposed fee awards.
15. No later than **January 30, 2024**, Parties **SHALL** file briefs in support of final approval of the Settlement Agreement and certification.
16. The Final Approval Hearing **SHALL** take place on **February 13, 2023**.

This the 17th day of October, 2023.

  
UNITED STATES DISTRICT JUDGE